

Article - Health - General

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§19–114.

(a) In this Part II of this subtitle the following words have the meanings indicated.

(b) (1) “Ambulatory surgical facility” means any center, service, office, facility, or office of one or more health care practitioners or a group practice, as defined in § 1–301 of the Health Occupations Article, that:

- (i) Has two or more operating rooms;
- (ii) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and
- (iii) Seeks reimbursement from payors as an ambulatory surgical facility.

(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with two operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:

- (i) A second operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and
- (ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.

(c) “Certificate of need” means a certification of public need issued by the Commission under this Part II of this subtitle for a health care project.

- (d) (1) “Health care facility” means:
- (i) A hospital, as defined in § 19–301 of this title;
 - (ii) A limited service hospital, as defined in § 19–301 of this title;
 - (iii) A related institution, as defined in § 19–301 of this title;

- (iv) An ambulatory surgical facility;
- (v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;
- (vi) A home health agency, as defined in § 19–401 of this title;
- (vii) A hospice, as defined in § 19–901 of this title;
- (viii) A freestanding medical facility, as defined in § 19–3A–01 of this title; and
- (ix) Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.

(2) “Health care facility” does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exception to the requirement for a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined in § 10–401 of the Human Services Article, if:

1. Except as provided under § 19–123 of this subtitle, the facility is for the exclusive use of the provider’s subscribers who have executed continuing care agreements and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit or an assisted living unit before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;

2. The facility is located on the campus of the continuing care community; and

3. The number of comprehensive care nursing beds in the community does not exceed:

A. 24 percent of the number of independent living units in a community having less than 300 independent living units; or

B. 20 percent of the number of independent living units in a community having 300 or more independent living units;

(iii) For the purpose of providing an exception to the requirement for a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care that:

1. Is owned and operated by the Maryland Department of Veterans Affairs; and

2. Restricts admissions to individuals who meet the residency requirements established by the Maryland Department of Veterans Affairs and are:

A. Veterans who were discharged or released from the armed forces of the United States under honorable conditions;

B. Former members of a reserve component of the armed forces of the United States; or

C. Nonveteran spouses of eligible veterans;

(iv) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(v) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(vi) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.

(e) “Health care practitioner” means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(f) “Health service area” means an area of this State that the Governor designates as appropriate for planning and developing of health services.

(g) “Local health planning agency” means the health department of a jurisdiction or a body designated by the local health department to perform health planning functions.

(h) “State health plan” means the State health plan for facilities and services.

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